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Attorneys for Defendant
HEMAT MARINE SDN BHD

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AGRITARDE INTENRATIONAL PTE. LTD.,

07 Civ. 5988 (SAS)

Plaintiff,

-against-

ANSWER

HEMAT MARINE SDN BH,

Defendant.

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Defendant HEMAT MARINE SDN BHD, by its attorneys DeOrchis, Wiener & Partners, LLP answers the Plaintiff's Verified Complaint upon information and belief as follows:

1. Denies each and every allegation contained in Paragraph 1 of Plaintiff's Verified Complaint.
2. Admits each and every allegation contained in Paragraph 2 of the Verified Complaint.
3. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 of Plaintiff's Verified Complaint.

4. Admits each and every allegation contained in Paragraph 4 of the Verified Complaint.

5. Admits each and every allegation contained in Paragraph 5 of the Verified Complaint.

6. Denies each and every allegation contained in Paragraph 6 of the Verified Complaint.

7. Admits that Defendant did not perform the charterparty because there was no charterparty to perform.

8. Denies each and every allegation contained in Paragraph 8 of Plaintiff's Verified Complaint.

9. Denies each and every allegation contained in Paragraph 9 of Plaintiff's Verified Complaint.

10. Admits that Plaintiff and Defendant have agreed to submit to arbitration at Singapore the issue whether a charterparty contract between the parties was formed, but except as so specifically admitted, denies each and every other allegation contained in Paragraph 10 of the Verified Complaint.

11. Denies each and every allegation contained in Paragraph 11 of the Verified Complaint.

12. Denies each and every allegation contained in Paragraph 12 of Plaintiff's Verified Complaint.

13. Denies each and every allegation contained in Paragraph 13 of Plaintiff's Verified Complaint.

**AS AND FOR AFFIRMATIVE DEFENSES TO THE CLAIMS
SET FORTH IN THE VERIFIED COMPLAINT,
DEFENDANT HEMAT MARINE SDN BHD
ALLEGE UPON INFORMATION AND BELIEF AS FOLLOWS:**

First Affirmative Defense

14. This Honorable Court lacks subject matter jurisdiction because no justiciable claim exists insofar as the parties have agreed to submit to arbitration in Singapore the issue whether there was a contract between the parties. In the absence of a finding that there was a contract, no admiralty maritime claim can be verified under oath by plaintiff or its representative to exist, and the claim asserted herein by the Plaintiff is premature and unripe and the attachment of defendant's property a deprivation without due process in violation of the U.S. Constitution.

Second Affirmative Defense

15. Plaintiff's claim for interest is premature, unripe and speculative.

Third Affirmative Defense

16. Plaintiff's claim for arbitration fees, costs and attorneys' fees is premature, unripe and speculative, and assumes that Plaintiff will succeed on the merits and assumes that Plaintiff will be awarded said recovery.

Fourth Affirmative Defense

17. In so far as the parties have agreed to submit their dispute concerning contract formation to Arbitration at Singapore, this Court should decline jurisdiction to attach defendant's funds by reason of inconvenient forum.

Fifth Affirmative Defense

18. The Honorable Court lacks in personam jurisdiction of defendant by reason of insufficient contacts with the jurisdiction to be amenable and by reason of insufficient service of process.

Sixth Affirmative Defense

19. The attachment of defendant's funds was procured through an unreasonable and illegal seizure in violation of the U.S. Constitution.

WHEREFORE, Defendant HEMAT MARINE SDN BHD demands judgment vacating the Attachment and dismissing the Verified Complaint herein, together with costs and disbursements of this action, and for such other and further relief as in the premises may be just and proper.

Dated: New York, New York
July 27, 2007

DEORCHIS, WIENER & PARTNERS, LLP
Attorneys for Defendant
HEMAT MARINE SDN BHD

By: /s/ Christopher H. Mansuy (CM-0813)
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